

## Interview Summary

**Application No.**

09/180,209

**Applicant(s)**

KARPUSAS ET AL.

**Examiner**

Marjorie A. Moran

**Art Unit**

1631

All participants (applicant, applicant's representative, PTO personnel):

(1) Marjorie A. Moran.

(3) \_\_\_\_\_.

(2) Margaret Pierri.

(4) \_\_\_\_\_.

Date of Interview: 12 March 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 39,42 and 43.

Identification of prior art discussed: PIETSCH, STALEY.

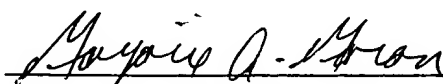
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner stated that the after-final amendment filed 2/12/03 would not be entered as it introduces new issues. Specifically, the limitations that the CD40L be human, and the new limitation for a computer program, are new limitations requiring further search and consideration. The examiner also stated that the after-final arguments and the SINGH declaration had been fully considered, and that the arguments would

be persuasive with regard to differences between a human CD40L and a murine CD40L (as taught by PIETSCH) if the claims were amended; e.g. in an RCE, to recite a human CD40L. The examiner stated that such an amendment would not render the claims allowable, however, as the crystal coordinates are still considered nonfunctional descriptive material. Since the crystal coordinates are nonfunctional descriptive material, they do not patentably distinguish the instant claims from prior art teaching computers; e.g. the computer taught by STALEY. The examiner suggested that the applicant and attorney review the Trilateral Agreement published November 4, 2002, and in particular, the US comments on Case 2, for a clear analysis of this issue.